

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:	)	
	)	Chapter 11
Morris   Schneider   Wittstadt Va., PLLC, a	)	
Virginia professional limited liability company,	)	Case No. 15-33370
	)	
	)	
Debtor.	)	
In re:	)	
	)	Chapter 11
Morris   Schneider   Wittstadt, PLLC, a West	)	
Virginia professional limited liability company,	)	Case No. 15-33371
	)	
	)	
Debtor.	)	
In re:	)	
	)	Chapter 11
Wittstadt Title & Escrow Company, L.L.C., a	)	
Virginia limited liability company,	)	Case No. 15-12323
	)	
	)	
Debtor.	)	
In re:	)	
	)	Chapter 11
MORRIS   SCHNEIDER   WITTSTADT,	)	
LLC, a Georgia limited liability company,	)	Case No. 15-33372
	)	
	)	
Debtor.	)	
In re:	)	
	)	Chapter 11
MSWLAW, Inc., a Georgia corporation,	)	
	)	Case No. 15-33373
	)	
Debtor.	)	

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In re:	)	
	)	Chapter 11
Teays Valley Trustees, LLC, West Virginia	)	
limited liability company,	)	Case No. 15-33374
	)	
Debtor.	)	
In re:	)	
	)	Chapter 11
York Trustees Services, LLC, a Tennessee	)	
limited liability company,	)	Case No. 15-33375
	)	
Debtor.	)	

**MOTION OF THE DEBTORS AND DEBTORS-IN-POSSESSION  
FOR AN ORDER DIRECTING JOINT ADMINISTRATION  
OF THEIR RELATED CHAPTER 11 CASES**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”),<sup>1</sup> by their undersigned counsel, file this motion (the “Motion”) for entry of an order, the proposed form of which is attached hereto, pursuant to section 105 of Title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (as amended, the “Bankruptcy Code”), Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 1015-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Virginia (the “Local Rules”), directing the joint administration of their related chapter 11 cases. In support of this Motion, the Debtors rely on the Declaration of Mark Wittstadt in support of the Debtors’ Chapter 11 Petitions and First Day Pleadings (the “Wittstadt Declaration”). In further support of this Motion, the Debtors submit as follows:

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<sup>1</sup> The employer tax identification numbers and addresses for each of the Debtors are set forth in their respective chapter 11 petitions.

### **JURISDICTION, VENUE AND PREDICATES FOR RELIEF**

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. §157 (b)(2).

2. The predicates for the relief requested herein are section 105(a) of the Bankruptcy Code, Bankruptcy Rule 1015(b) and Local Rule 1015-1.

### **BACKGROUND**

3. Substantially contemporaneously herewith, each of the Debtors filed with the Court a voluntary petition for relief under chapter 11 of the Bankruptcy Code, commencing the above-captioned chapter 11 cases. The Debtors continue to operate their businesses and manage their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

4. No creditors' committee has been appointed in these cases, and no trustee or examiner has been appointed.

5. A full description of the Debtors' business operations, corporate structures, capital structures, and reasons for commencing these cases is set forth in full in the Wittstadt Declaration, which was filed substantially contemporaneously with this Motion and which is incorporated herein by reference. Additional facts in support of the specific relief sought herein are set forth below.

### **RELIEF REQUESTED**

6. By this Motion, the Debtors seek entry of an order directing joint administration of these chapter 11 cases for procedural purposes only.

7. Specifically, the Debtors request that the Court maintain one file and one docket for all of the jointly administered cases under the case of Morris | Schneider | Wittstadt Va., PLLC, and that the cases be administered under a consolidated caption, as follows:

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In re:	)	
	)	Chapter 11
Morris   Schneider   Wittstadt Va., PLLC, a	)	
Virginia professional limited liability	)	Case No. 15-33370
company, <u>et al.</u> ,	)	
	)	(Jointly Administered)
Debtors. <sup>2</sup>	)	

8. The Debtors also request that the following docket entry be entered on the docket in each of the Debtors' cases, other than the case of Morris | Schneider | Wittstadt Va., PLLC, to reflect the joint administration of these chapter 11 cases:

An Order has been entered in this case in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and Rule 1015-1 of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Virginia directing the procedural consolidation and joint administration of the Chapter 11 cases of Morris | Schneider | Wittstadt Va., PLLC, Morris | Schneider | Wittstadt, PLLC, Wittstadt Title & Escrow Company, L.L.C., Morris | Schneider | Wittstadt, LLC, MSWLAW, Inc., Teays Valley Trustees, LLC, and York Trustee Services, LLC. The docket in Case No. 15-33370 should be consulted for all matters affecting this case.

9. Finally, the Debtors seek authority to file the monthly operating reports required by the "Operating Guidelines and Financial Reporting Requirements" of the United States Trustee (the "UST") on a consolidated basis.

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<sup>2</sup> The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: Morris | Schneider | Wittstadt Va., PLLC (1651), Morris | Schneider | Wittstadt, PLLC (1589), Wittstadt Title & Escrow Company, L.L.C. (3831), Morris | Schneider | Wittstadt, LLC (1589), MSWLAW, Inc. (6994), Teays Valley Trustees, LLC (9830), and York Trustee Services, LLC (8058).

### **BASIS FOR RELIEF REQUESTED**

10. Bankruptcy Rule 1015(b) provides, in relevant part, that if “two or more petitions are pending in the same court by or against . . . a debtor and an affiliate, the court may order a joint administration of the estates.” The Debtors are “affiliates” as that term is defined under section 101(2) of the Bankruptcy Code. Accordingly, this Court is authorized to grant the requested relief sought herein.

11. Local Bankruptcy Rule 1015-1 further provides additional authority for the Court to order joint administration of these cases:

In all joint petitions filed with the Court, the case will be administered through joint administration of the estates unless the trustee or other interested party files an objection to joint administration within 14 days after the meeting of creditors and gives notice of a hearing date on such objection.

Local Bankr. R. 1015-1.

12. Joint administration is generally non-controversial, and courts in this district and elsewhere routinely grant joint administration in related Chapter 11 cases. *See, e.g., In re James River Coal Co.*, Case No. 14-31848 (KRH) (Bankr. E.D. Va. Apr. 10, 2014); *In re AMF Bowling Worldwide, Inc.*, Case No. 12-36495 (KRH) (Bankr. E.D. Va. Nov. 14, 2012); *In re Circuit City Stores, Inc.*, No. 08-35653 (KRH) (Bankr. E.D. Va. Nov. 10, 2008).

13. Given the provisions of the Bankruptcy Code and the Debtors’ affiliation, joint administration of these cases is warranted and will provide significant administrative convenience without harming the substantive rights of any party in interest. Joint administration will avoid the preparation, replication, service and filing, as applicable, of duplicative notices, applications and orders, thereby saving the Debtors considerable expense and resources. The Debtors’ financial affairs and business operations are closely related. The Debtors anticipate that

the majority of the motions, hearings and orders in these Chapter 11 cases will all of the Debtors. Not only will the rights of creditors not be negatively affected, as this Motion requests only administrative, and not substantive, consolidation of the estates, but creditors will be able to find all pleadings in one centralized docket.

14. Moreover, each creditor can still file its claim against a particular estate. In fact, all creditors will benefit by the reduced costs that will result from the joint administration of these chapter 11 cases. The Court also will be relieved of the burden of entering duplicative orders and maintaining duplicative files. Finally, supervision of the administrative aspects of these chapter 11 cases by the United States Trustee for the Eastern District of Virginia will be simplified.

15. Furthermore, it is appropriate to waive the requirement of section 342(c) (1) of the Bankruptcy Code and Bankruptcy Rules 1005 and 2002(n) to include the Debtors' full tax identification numbers in the Debtors' caption and notices sent to creditors. This information is available on all of the Debtors' chapter 11 petitions. Waiver of this requirement is purely procedural in nature and will ease the administrative burden on the Debtors.

#### **NOTICE**

16. The Debtors have served notice of this Motion on (a) the UST; (b) all known creditors holding secured claims against the Debtors' estates; and (c) those creditors holding the 30 largest unsecured claims against the Debtors' estates on a consolidated basis.

#### **WAIVER OF MEMORANDUM OF LAW**

17. The Debtors respectfully request that this Court treat this Motion as a written memorandum of points and authorities or waive any requirement that this Motion be

accompanied by a written memorandum of points and authorities as described in Local Bankruptcy Rule 9013-1(G).

**NO PREVIOUS REQUEST**

18. No previous request for the relief sought herein has been made by the Debtors to this or any other court.

WHEREFORE, the Debtors respectfully request that the Court grant the relief requested herein and such other and further relief as is just and proper.

DATED: July 6, 2015

Respectfully submitted,

/s/ Jennifer M. McLemore

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Proposed Counsel to the Debtors and  
Debtors-in-Possession

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In re:	)	
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liability company,	)	Case No. 15-33375
	)	
Debtor.	)	

**ORDER DIRECTING  
JOINT ADMINISTRATION OF CHAPTER 11 CASES**

Upon the motion (the “Motion”)<sup>1</sup> of the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) for entry of an order directing the joint administration of the Debtors’ related chapter 11 cases, the Court finds that (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334(b); (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iii) venue is proper pursuant to 28 U.S.C. § 1408 and 1409; (iv) the relief requested in the Motion is in the best interest of the Debtors, their estates and creditors; (v) proper and adequate notice of the Motion and the hearing thereon has been given and no other or further notice is necessary; (vi) after notice and an opportunity for hearing and upon the record herein after due deliberation thereon, and the Court finding that good and sufficient cause exists for the granting of the relief as set forth herein, IT IS HEREBY:

**ORDERED THAT** the relief requested in the Motion is hereby granted; and it is further

**ORDERED THAT,** pursuant to Bankruptcy Rule 1015(b) and Local Bankruptcy Rule 1015-1, the above-captioned chapter 11 cases are consolidated for procedural purposes only and shall be jointly administered by the Court under Case No. 15-33370; and it is further

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

**ORDERED THAT** nothing contained in this Order shall be deemed or construed as directing or otherwise affecting the substantive consolidation of any of the above-captioned cases; and it is further

**ORDERED THAT** the caption of the jointly administered cases shall read as follows:

In re:	)	
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Morris   Schneider   Wittstadt Va., PLLC, a	)	
Virginia professional limited liability	)	Case No. 15-33370
company, <u>et al.</u> ,	)	
	)	(Jointly Administered)
Debtors. <sup>1</sup>	)	

and it is further

**ORDERED THAT** the requirement to include the Debtors' full tax identification numbers in the case caption and notices to creditors is hereby waived; and it is further

**ORDERED THAT** the following docket entry shall be entered on the docket in each of the Debtors' cases, other than the case of Morris | Schneider | Wittstadt Va., PLLC, to reflect the joint administration of these chapter 11 cases:

An Order has been entered in this case in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and Rule 1015-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Virginia directing the procedural consolidation and joint administration of the Chapter 11 cases of Morris | Schneider | Wittstadt Va., PLLC, Morris | Schneider | Wittstadt, PLLC, Wittstadt Title & Escrow Company, L.L.C., Morris | Schneider | Wittstadt, LLC, MSWLAW, Inc., Teays Valley Trustees, LLC, and York Trustee Services, LLC. The docket in Case No. 15-33370 should be consulted for all matters affecting this case.

<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: Morris | Schneider | Wittstadt Va., PLLC (1651), Morris | Schneider | Wittstadt, PLLC (1589), Wittstadt Title & Escrow Company, L.L.C. (3831), Morris | Schneider | Wittstadt, LLC (1589), MSWLAW, Inc. (6994), Teays Valley Trustees, LLC (9830), and York Trustee Services, LLC (8058).

and it is further

**ORDERED THAT** the Debtors may file their monthly operating reports required by the Operating Guidelines and Reporting Requirements for Debtors in Possession and Trustees, issued by the U.S. Trustee, on a consolidated basis; and it is further

**ORDERED THAT** notice of the Motion as provided therein shall be deemed to good and sufficient notice of such Motion; and it is further

**ORDERED THAT** the Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order; and it is further

**ORDERED THAT** notwithstanding any Bankruptcy Rule or Local Bankruptcy Rule that might otherwise delay the effectiveness of this Order, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

**ORDERED THAT** the requirement under Local Bankruptcy Rule 9013-1(G) to file a memorandum of law in connection with the Motion is hereby waived; and it is further

**ORDERED THAT** this Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

Dated: This \_\_\_\_\_ day of \_\_\_\_\_, 2015

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United States Bankruptcy Judge

WE ASK FOR THIS:

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Proposed Counsel to the  
and Debtors-in-Possession

**CERTIFICATION OF ENDORSEMENT  
UNDER LOCAL BANKRUPTCY RULE 9022-1(C)**

I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.